



California Alliance for Youth & Community Justice



Center on Juvenile and Criminal Justice

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Board of State and Community Corrections
2590 Venture Oaks Way
Sacramento, CA 95833

SENT VIA EMAIL TO: linda.penner@bscc.ca.gov, kathleen.howard@bscc.ca.gov

COVID-19 Vaccine Guidance for California’s Jails and Juvenile Facilities

Dear BSCC Board:

COVID-19 remains a threat to the health and lives of incarcerated people. In 2020, the BSCC responded to the threat by establishing the COVID-19 Data Dashboard. This dashboard serves a critical function by informing California residents and elected officials about the state of COVID-19 in our jails. The data is now, however, insufficient because it does not track the vaccination status of incarcerated people and staff. Publicly available data suggests vaccination levels of incarcerated people and staff remain at a level below that necessary to stop the spread of COVID-19.

In response to the continued threat of COVID-19, BSCC must (1) update its dashboard with information on vaccination rates of incarcerated people and staff, (2) provide educational materials to incarcerated people, their families, and staff, and (3) facilitate widespread and uninterrupted vaccine availability for all adult and juvenile detention facilities.

COVID-19 Remains a Serious Threat, Particularly in Light of the Delta Variant.

The CDC reports that the Delta variant spreads faster and causes more severe illness than earlier forms of SARS-CoV-2.¹ “Unvaccinated people,” according to the CDC, “remain the greatest concern”

¹ Centers for Disease Control and Prevention (CDC). August 26, 2021. “Delta Variant: What We Know About the Science.” At: <https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>.

because of the ease at which the variant spreads between the unvaccinated.² Another wave appears to be hitting county jails up and down the state, likely due to the Delta variant.

- In Los Angeles County, COVID-19 positivity shot up from 120 to 367 between August 16 and August 24. On August 24, over 3,200 people were in quarantine. After months with COVID-19 deaths holding steady at 13, LASD reported a 14th person's death on August 18.
- Santa Rita Jail in Alameda County went from 9 positive COVID-19 cases on September 5 to 46 positive cases on September 6, a 411% increase overnight.

The relatively low levels of vaccination among incarcerated people and staff presents a serious threat to the lives of those in our adult and juvenile detention facilities. The most-recent, publicly available vaccination levels for sheriff's department employees are frighteningly low:

- Orange County: 16%
- San Diego County: 23%
- Alameda County: 56%
- Los Angeles County: 26% (through LASD clinics)³

While the rate of vaccination for incarcerated people may be higher than staff rates, the incarcerated person vaccination rate is not high enough to offer protection from unvaccinated staff.

The BSCC Must Mandate Reporting on Vaccination Rates of Incarcerated People and Staff.

The BSCC collects and publishes data on COVID-19 rates and testing for staff and incarcerated people. Alameda County is self-reporting vaccination rates for incarcerated people and staff.⁴ Yet many counties, including Los Angeles County, Orange County, and San Diego County state that they do not require their staff to report vaccination status.⁵ This opacity prevents the BSCC and other government entities charged with protecting those in custody from understanding the dangers inherent in the current COVID-19 surge and necessary public health responses.

We urge the BSCC to require counties to report vaccination rates of incarcerated people and staff. The California Department of Corrections and Rehabilitation (CDCR) tracks the numbers of people who are partially vaccinated and fully vaccinated, both incarcerated people and staff.⁶ This type of reporting and transparency is necessary at the county level for effective COVID-19 response and oversight.

² *Ibid.*

³ The Guardian. August 16, 2021. "Top California law enforcement agencies report vaccination rates far lower than public." At: <https://www.theguardian.com/us-news/2021/aug/16/california-police-prison-guards-vaccination-rates>.

⁴ Alameda County Sheriff's Department. COVID-19 Stats. At: <https://www.alamedacountysheriff.org/about-us/covid-19-stats>.

⁵ The Guardian. Aug. 16, 2021. "Top California law enforcement agencies report vaccination rates far lower than public." At: <https://www.theguardian.com/us-news/2021/aug/16/california-police-prison-guards-vaccination-rates>.

⁶ California Department of Corrections and Rehabilitation (CDCR). Population COVID-19 Tracking. At: <https://www.cdcr.ca.gov/covid19/population-status-tracking/>.

The BSCC Must Take Responsibility for Public Education Campaigns to Increase Vaccine Confidence for Incarcerated People, Their Families, and Staff.

The BSCC is responsible for protecting incarcerated individuals and staff in California jails and local detention facilities. In light of the COVID-19 pandemic, the effort to keep these populations safe must include the dissemination of accurate scientific information regarding the vaccines, and widespread and easy access to vaccines. There has been a massive miseducation campaign regarding the COVID-19 vaccines and limited access to up-to-date information in jails and juvenile facilities. Incarcerated people have been left in the dark and are hesitant to receive the vaccine. The BSCC has a responsibility to create and disseminate scientifically accurate informational guides, PSAs, and FAQs so incarcerated people and their parents/guardians (in the case of juveniles) feel comfortable making an informed decision about receiving the vaccine. These materials must also be readily available in Spanish and other accessible languages. The BSCC must ensure that every person in the system can make an educated decision about getting vaccinated and have ample opportunity to do so.

The importance of public education regarding the vaccine in jails and detention facilities cannot be overstated. It is not enough for facility administrators to advertise access to the vaccine without providing ample information to incarcerated people, their families, and jail staff about this important medical decision. A recent study on COVID-19 vaccine acceptance in CDCR facilities found that building trust and vaccine confidence will be key in increasing low vaccination rates among incarcerated populations.⁷ Other states and agencies have been providing constant access to public education on the vaccine for months.^{8 9 10} The BSCC should refer to these existing public education resources and consult with medical professionals in order to create up-to-date educational materials designed for incarcerated people. Rather than solely post these resources around facilities, the BSCC should require staff to share this information directly with every individual confined in a county jail or youth correctional facility. The BSCC's vaccine materials must be:

1. Scientifically accurate and up-to-date.
2. Written with incarcerated readers in mind.
3. Readily available in Spanish, and other accessible languages.
4. Shared in multiple mediums - written FAQ, visual PSA, audio announcements, etc.

⁷ New England Journal of Medicine. July 22, 2021. "Covid-19 Vaccine Acceptance in California State Prisons". At: <https://www.nejm.org/doi/full/10.1056/NEJMc2105282>.

⁸ Information for Residents of Correctional Facilities: Frequently Asked Questions about the COVID-19 Vaccine (English) - January 2021** At: <https://amend.us/wp-content/uploads/2021/08/COVID-Vax-info-for-residents-7.2021.pdf>

⁹ Preguntas Frecuentes Sobre las Vacunas Contra el COVID-19: Información para los Residentes de Instituciones Correccionales (Español) - January 2021** At: https://amend.us/wp-content/uploads/2021/08/Spanish_COVID-Vax-info-for-residents-7.2021_1.pdf

¹⁰ The Illinois Department of Corrections worked with doctors and community advocates to produce and distribute educational content about the vaccines. See: Illinois Department of Corrections. 2021. "COVID-19 Response." At: <https://www2.illinois.gov/idoc/facilities/Pages/Covid19Response.aspx>. Excellent resources on this website include: "Amend Vaccine FAQs", "Westside Justice Center Vaccine FAQs", "5 things you should know about the vaccine", "Get the Shot PSA", "Coping with the Stress of COVID-19", "COVID-19 Vaccine Poster", and more.

The BSCC Must Update COVID-19 Guidance to Include Vaccination and Education Directives.

County jails and juvenile facilities should make COVID-19 vaccines readily available, along with the necessary educational materials to inform people’s decisions on their use. The BSCC must update the 2020 COVID-19 memoranda used to provide guidance for juvenile facilities¹¹ and jails¹². The BSCC has failed to provide county facilities with any information regarding COVID-19 vaccines nor recommended that these facilities make vaccines readily available. Without this guidance from BSCC, counties are left without a central direction in how to distribute these vaccines. BSCC has a responsibility to direct county facilities to quickly make vaccines available to all interested individuals. The memoranda must also include guidance on effective education to provide necessary information for individuals deciding whether or not to get vaccinated.

We offer these recommendations to protect all Californians in county jails and juvenile facilities, amid the COVID-19 pandemic. Please do not hesitate to reach out to Brian Goldstein (brian@cjcj.org) with any questions regarding this matter.

Sincerely,

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¹¹ Board of State and Community Corrections (BSCC). March 30, 2020. COVID-19, Additional Guidance to Juvenile Facilities. At: <http://www.bscc.ca.gov/news/covid-19-additional-guidance-to-juvenile-facilities/>.

¹² Board of State and Community Corrections (BSCC). April 3, 2020. COVID-19, Additional Guidance to Adult Facilities. At: <http://www.bscc.ca.gov/wp-content/uploads/Adult-Facilities-4-3-2020.pdf>.